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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 17 (b)

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS: HUMAN RIGHTS AND DISABILITY

Mr. El-Hajjé: draft resolution

Human rights and disability

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1993/22 of 20 August 1993 and the reference therein to the 1993 Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, which reaffirm that persons with disabilities should be guaranteed equal opportunity through the elimination of all barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society,

Noting the report prepared by the Secretary-General (E/CN.4/Sub.2/1994/35) pursuant to the request of the Sub-Commission in resolution 1993/22 for information on the coordination endeavours, and their results, undertaken by the various United Nations organs and bodies concerned with the protection of disabled persons and the discussion in that report of

monitoring work expected to be undertaken by both the new special rapporteur and the Commission for Social Development, regarding the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex),

Noting also that the Commission on Human Rights, in its resolution 1994/27 of 4 March 1994, reaffirmed its commitment to ensuring that the rights of persons with disabilities and their concern for full participation in community affairs continue to be addressed in all of its work,

Recognizing that the Standard Rules do not contain legal clauses that obligate States to respect pertinent provisions of the International Bill of Human Rights and other human rights instruments, such as the Convention on the Rights of the Child,

Mindful of the Sub-Commission's continuing responsibility, under Commission on Human Rights resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII), to study, each year, situations which reveal a consistent pattern of violations of human rights and fundamental freedoms set out in the International Bill of Human Rights and in pertinent United Nations treaties,

Mindful also of the disturbing accuracy of Mr. Leandro Despouy's prediction in his report entitled Human Rights and Disabled Persons (United Nations publication, Sales No. E.92.XIV.4, para. 280) that, at the conclusion of the Decade of Disabled Persons, those persons will find themselves at a disadvantage in relation to other vulnerable groups such as refugees, women and migrant workers,

1. Requests the Secretary-General to report in 1995 to the Sub-Commission regarding coordination endeavours which affect disabled persons, with emphasis on activities of the other United Nations organizations and bodies that deal with alleged violations of the legal obligations of States under the International Bill of Human Rights and United Nations treaties that protect disabled persons;

2. Also requests the Secretary-General, in response to the concern of the General Assembly expressed in resolution 48/99 of 20 December 1993 regarding the need to give higher priority and visibility to disability issues, to help ensure, first, a wider distribution of Mr. Leandro Despouy's report entitled Human Rights and Disabled Persons (United Nations publication, Sales No. E.92.XIV.4) and,

second, an expanded discussion of juridical aims that might be achieved were there appropriate exercise of the Ombudsman function briefly described in that report (para. 281 (b));

3. Decides to remain seized of the question and to consider it at its forty-seventh session under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been concerned".

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